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May 20, 2020

**Via Ecf**

Hon. Sanket J. Bulsara, U.S.M.J.  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

**Re: Letter Showing Cause why this Case Should not be dismissed:**

**Lin v. Quality Woods, Inc. et al., 17-cv-03043**

Your Honor,

Our office represents the Plaintiff in the above referenced matter. We write respectfully to explain why this case should not be dismissed for failure to refile the Motion for Default Judgment. This is Plaintiff's first request for leave to refile the Motion for Default Judgement and granting such request will not prejudice any party since, Defendants are in Default.

On June 21, 2018, Plaintiff's filed their motion for default judgement against Defendants QUALITY WOODS, INC. d/b/a Quality Woods; D C CABINET FACTORY INC. d/b/a Quality Woods; METROPOLITAN CABINET FACTORY, INC d/b/a Quality Woods; AOTIN TRADING INC. d/b/a Quality Woods; and CHAMPION CABINET INC. d/b/a Quality Woods; WEI GAO, WEI ZHANG CHEN a/k/a Dean Chen, DING CHEN, and JAMES WANG, pursuant to the Fed. R. Civ. P. 55(b)(2) and Local Rule 55.2(b). On August 28, 2018, Plaintiff filed proof of service of the Plaintiff's motion for default judgment. *See* Dkt. No. 39. On January 28, 2019, Your Honor, issued a Report and Recommendation denying Plaintiff's request to seek Default Judgement against Defendants for failure to properly serve the Defendants with Complaint. *See* Dkt. No. 40. On April 01, 2019, Honorable Judge Dora Irizarry adopted the report and recommendation issued by Hon. Judge Sanket J. Bulsara denying Plaintiff's Motion for Default Judgment without prejudice and Ordered Plaintiff's to serve the Order dated April 01, 2019 and file proof of service of the Order. On April 08, 2019, Plaintiff's served the order on Defendants and filed the proof of service of the order. *See* Dkt. No. 41-49.

On April 09, 2019, Plaintiff filed letter motion explaining why there were three sets of Affidavits of service of Complaint filed with the Court and further explained the service of Complaint upon all Defendants was proper. *See* Dkt. No. 50. In addition,

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Plaintiff's in the same letter mentioned to Honorable Judge, Dora L. Irizarry, that Plaintiff intends to re-file the motion for default judgment. Your Honor, Plaintiff waited for further instructions from Honorable Judge Dora L. Irizarry, since we had filed a Letter explaining about the service of process and complaint adequately served upon all the Defendants. *Id.* Plaintiff simply did not refile the motion for default judgement bearing in mind to save the judicial resources and time, should the Court have different opinion on the Plaintiff's Letter explanation on the service of process. As such, Plaintiff respectfully requests leave to allow the Plaintiff to refile the motion for default judgement. Granting Such request will not prejudice any party since Defendants are still in Default.

For all the foregoing reasons, Plaintiff's sincerely apologizes for not refiling the Motion for Default Judgement. Should Your Honor, allow Plaintiff to refile the Motion for Default Judgement, Plaintiff will refile the Motion papers within one week from the date of Your Honors Order and serve the motion papers promptly upon all the Defendants.

We thank the court for its time and attention to this matter.

Respectfully submitted,

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/s/ John Troy

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